

House Bill 239

By: Representatives Smith of the 131<sup>st</sup>, Hanner of the 148<sup>th</sup>, and Lane of the 167<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

To amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface-water use, so as to regulate the return of surface waters to the sources from which they were withdrawn by local government entities; to provide for reports; to provide for permit modifications; to amend Code Section 31-3-5 of the Official Code of Georgia Annotated, relating to functions of county boards of health, so as to change certain provisions relating to on-site sewage management systems; to provide a short title; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Water Conservation Act of 2009."

**SECTION 2.**

Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface water use, is amended by adding a new Code section to read as follows:

"12-5-31.2.

(a) On and after July 1, 2014, each county, municipality, consolidated government, or local government authority which holds a permit issued under Code Section 12-5-31 shall report quarterly to the director:

(1) The total volume of surface water withdrawn under such permit during the most recently completed calendar quarter; and

(2) The total volume of treated water returned by such permit holder to the source of permitted withdrawal during the most recently completed calendar quarter.

(b) If the director determines that the returned amount most recently reported under paragraph (2) of subsection (a) of this Code section is less than 75 percent of the withdrawn amount most recently reported under paragraph (1) of subsection (a) of this Code section for any county, municipality, consolidated government, or local government authority

which holds a permit issued under Code Section 12-5-31, the director shall modify the permit to impose a condition requiring that no new water service connection shall be provided for any residence, building, or facility located within the jurisdiction of the permittee until a following quarterly report demonstrates that the returned amount equals or exceeds 75 percent of the withdrawn amount."

### SECTION 3.

Code Section 31-3-5 of the Official Code of Georgia Annotated, relating to functions of county boards of health, is amended by revising subsection (b) as follows:

"(b) Each county board of health shall have the power and duty to adopt regulations providing standards and requirements governing the installation of on-site sewage management systems within the incorporated and unincorporated area of the county, subject to the provisions of Code Section 31-2-7, any rules and regulations promulgated under Code Section 31-2-7, and subsection (d) of this Code section. Such regulations shall include and be limited to the following:

(1) Specifying the locations within the incorporated and unincorporated area of the county where on-site sewage management systems may be installed;

(2)(A) Specifying the minimum lot size or land area which may be served by an on-site sewage management system based on scientific data regarding on-site sewage management systems.

(B) The minimum lot size or land area shall not be less than three acres if the residence, building, or facility to be served by an on-site sewage management system is to be connected to a public water system having more than a total of 70,000 active service connection accounts or more than 200 such accounts per square mile of total area served;

(3) Specifying the types of residences, buildings, or facilities which may be served by on-site sewage management systems;

(4)(A) Issuing permits for the installation of on-site sewage management systems prior to such installation.

(B) Action on any application for the installation of an on-site sewage management system shall be suspended for the duration of any period in which the county or any portion thereof is in an exceptional drought as declared by the director of the Environmental Protection Division of the Department of Natural Resources, if the residence, building, or facility to be served by such on-site sewage management system is to be connected to a public water system having more than a total of 70,000 active service connection accounts or more than 200 such accounts per square mile of total area served;

(5) Inspecting on-site sewage management system installations prior to the completion of the installation; and

(6)(A) Providing for ongoing maintenance of such systems, except for nonmechanical residential sewage management systems.

(B)(i) Any residence, building, or facility which as of June 30, 2009, was located on a lot or land area less than the minimum size specified in subparagraph (B) of paragraph (2) of this subsection and connected to a public water system having more than a total of 70,000 active service connection accounts or more than 200 such accounts per square mile of total area served shall be disconnected from any on-site sewage management system and connected to a public sewer system not later than July 1, 2014, or five years after the date on which the public water system first exceeds a minimum number of accounts specified in this division, whichever is later.

(ii) No new water service connections shall be made to any such public water system in any jurisdiction which fails to make public sewer system lines available for connection as necessary for purposes of complying with division (i) of this subparagraph."

#### SECTION 4.

All laws and parts of laws in conflict with this Act are repealed.